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CHUNGHWA PICTURE TUBES, LTD. and
CHUNGHWA PICTURE TUBES (MALAYSIA)
SDN. BHD.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-CV-5944 SC
MDL No. 1917

This Document Relates To:

Best Buy Co. Inc. et al. v. Hitachi, Ltd. et al., No.
3:11-cv-05513-SC

CompuCom Sys., Inc. v. Hitachi, Ltd. et al., No.
3:11-cv-06396-SC

Interbond Corp. of Am. v. Hitachi, Ltd. et al., No.
3:11-cv-06275-SC

Office Depot, Inc. v. Hitachi, Ltd. et al., No.
3:11-cv-06276-SC

*P.C. Richard & Son Long Island Corp. et al. v.
Hitachi, Ltd. et al.*, No. 3:12-cv-02648-SC

*Sears, Roebuck and Co. et al. v. Chunghwa
Picture Tubes, Ltd. et al.*, No. 3:11-cv-05514-SC

*Target Corp. v. Chunghwa Picture Tubes, Ltd. et
al.*, No. 3:11-cv-05514-SC

**DECLARATION OF YANG SHENG-JEN
IN SUPPORT OF DEFENDANTS
CHUNGHWA PICTURE TUBES, LTD.
AND CHUNGHWA PICTURE TUBES
(MALAYSIA) SDN. BHD.'S MOTION FOR
SUMMARY JUDGMENT ON DIRECT
ACTION PLAINTIFFS' STATE LAW
CLAIMS ON DUE PROCESS GROUNDS**

Date: February 6, 2015
Time: 10:00 A.M.
Judge: Hon. Samuel Conti

1 I, Yang Sheng-Jen, hereby declare and state as follows:

2 1. I worked for Chunghwa Picture Tubes, Ltd. (“CPT”) until December 2011 in various
3 positions including as Assistant Vice President of Sales. I am a resident of Taiwan. I am an adult
4 over eighteen (18) years of age. The statements in this Declaration are based on my own personal
5 knowledge, and if called as a witness I could, and would, testify competently that the matters set forth
6 herein are true.

7 2. CPT is a Taiwanese company formed and organized under the laws of Taiwan, with its
8 principal place of business located at No. 1 Huaying Rd., Longtan Township, Taoyuan 325, Taiwan,
9 R.O.C.

10 3. Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. (“CPTM”) was a Malaysian subsidiary
11 of CPT, formed and organized under the laws of Malaysia, with its principal place of business located
12 at 10th Floor, Tower Block, Kompleks Antarabangsa, Jalan Sultan Ismail, 50250 Kuala Lumpur,
13 Malaysia. CPTM closed in 2011.

14 4. CPT and CPTM previously manufactured cathode ray tubes. CPT manufactured those
15 tubes in Taiwan and CPTM manufactured those tubes in Malaysia. CPT also manufactured TFT-
16 LCD panels. CPT and CPTM sold cathode ray tubes and panels to other companies for
17 manufacturing into finished products.

18 5. During the period from 1995 through 2007, the vast majority of cathode ray tubes
19 manufactured by CPT and CPTM were incorporated into computer monitors (color display tubes) or
20 televisions (color picture tubes).

21 6. CPT and CPTM did not manufacture finished products containing cathode ray tubes.

22 7. CPT never sold finished products containing cathode ray tubes. In a few rare
23 instances from 1994-1997, CPTM sold a limited number of television sets made by an independent
24 original equipment manufacturer to a few customers in Asia. None of the Direct Action Plaintiffs
25 purchased televisions directly from those customers from 1995 through 2007. Other than those
26 isolated sales, CPTM never sold finished products containing cathode ray tubes.

27 8. CPT and CPTM primarily sold their cathode ray tubes to customers located in Asia.
28 During the period from 1995 through 2007, nearly 95% of their cathode ray tube sales were to

1 customers in Asia, and less than 2% of their tube sales were to customers in the United States. None
 2 of those sales were in Arizona, Florida, Kansas, Massachusetts, Michigan, Minnesota, Mississippi,
 3 Nebraska, Nevada, New Mexico, or Wisconsin.

4 9. CPT and CPTM never sold anything, including cathode ray tubes, to Best Buy Co.,
 5 Inc.; Best Buy Purchasing LLC; Best Buy Enterprise Services; Best Buy Stores, L.P.; BestBuy.com,
 6 L.L.C.; Magnolia Hi-Fi, LLC (collectively, “Best Buy”); CompuCom Systems, Inc. (“CompuCom”);
 7 Interbond Corporation of America (“BrandsMart”); Office Depot, Inc. (“Office Depot”); P.C.
 8 Richard & Son Long Island Corp. (“P.C. Richard & Son”); MARTA Cooperative of America, Inc.
 9 (“MARTA”); ABC Appliance, Inc. (“ABC Appliance”); Sears, Roebuck and Co. (“Sears”); Kmart
 10 Corp. (“Kmart”); or Target Corp. (“Target”).

11 10. Neither CPT nor CPTM ever sold any cathode ray tubes in Arizona to MARTA, Sears,
 12 Kmart, or Target.

13 11. Neither CPT nor CPTM ever sold any cathode ray tubes in California to CompuCom,
 14 Office Depot, Sears, Kmart, or Target.

15 12. Neither CPT nor CPTM ever sold any cathode ray tubes in Florida to BrandsMart,
 16 Office Depot, Sears, Kmart, or Target.

17 13. Neither CPT nor CPTM ever sold any cathode ray tubes in Illinois to MARTA, Sears,
 18 Kmart, or Target.

19 14. Neither CPT nor CPTM ever sold any cathode ray tubes in Iowa to Target.

20 15. Neither CPT nor CPTM ever sold any cathode ray tubes in Kansas to Target.

21 16. Neither CPT nor CPTM ever sold any cathode ray tubes in Massachusetts to Sears,
 22 Kmart, or Target.

23 17. Neither CPT nor CPTM ever sold any cathode ray tubes in Michigan to ABC
 24 Appliance, Sears, Kmart, or Target.

25 18. Neither CPT nor CPTM ever sold any cathode ray tubes in Minnesota to Best Buy,
 26 Sears, Kmart, or Target.

27 19. Neither CPT nor CPTM ever sold any cathode ray tubes in Mississippi to Sears or
 28 Kmart.

20. Neither CPT nor CPTM ever sold any cathode ray tubes in Nebraska to Sears or Kmart.

21. Neither CPT nor CPTM ever sold any cathode ray tubes in Nevada to Sears or Kmart.

22. Neither CPT nor CPTM ever sold any cathode ray tubes in New Mexico to Sears or Kmart

23. Neither CPT nor CPTM ever sold any cathode ray tubes in New York to CompuCom, P.C. Richard & Son, Sears, Kmart, or Target.

24. Neither CPT nor CPTM ever sold any cathode ray tubes in North Carolina to Sears, Kmart, or Target.

25. Neither CPT nor CPTM ever sold any cathode ray tubes in Wisconsin to Sears, Kmart, or Target.

26. CPT and CPTM are not, nor have they ever been, licensed or qualified to do business in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

27. Neither CPT nor CPTM ever conducted any advertising or marketing in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin, or directed any marketing or advertising toward consumers in those states.

28. Neither CPT nor CPTM ever manufactured anything, including cathode ray tubes, in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

29. CPT and CPTM have no offices or other facilities in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin. They have never had any offices or other facilities in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

1 30. CPT and CPTM do not have, and never have had, a mailing address or telephone
2 listing in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
3 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

4 31. CPT and CPTM have never acquired, disposed of, owned, or leased any property in
5 Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
6 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

7 32. CPT and CPTM have never made any registration of any type in Arizona, California,
8 Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada,
9 New Mexico, New York, North Carolina, or Wisconsin.

10 33. CPT and CPTM do not have, and never have had, bank accounts or assets located in
11 Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
12 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

13 34. CPT and CPTM do not have, and never have had, any product inventory located in
14 Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
15 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

16 35. Neither CPT nor CPTM ever has filed or been required to file state taxes in Arizona,
17 California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi,
18 Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

19 36. CPT and CPTM do not have, and never have had, any records in Arizona, California,
20 Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada,
21 New Mexico, New York, North Carolina, or Wisconsin.

22 37. CPT does not have, and never has had, a designated agent for service of process in
23 Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
24 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.

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1 38. CPT and CPTM have never held any formal or informal meetings of their directors or
2 officers in Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota,
3 Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, or Wisconsin.
4

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed this 6th day of November, 2014, at Taoyuan, Taiwan.
8

9 YANG, SHENG JEN

10 (printed name)

11 Sheng Jen Yang
12
13 (signature)

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